



Sen. William R. Haine

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09900SB2980sam002

LRB099 19070 AXK 47573 a

1 AMENDMENT TO SENATE BILL 2980

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2980, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by  
6 changing Sections 11-501, 11-501.1 and 11-501.6 as follows:

7 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

8 Sec. 11-501. Driving while under the influence of alcohol,  
9 other drug or drugs, intoxicating compound or compounds or any  
10 combination thereof.

11 (a) A person shall not drive or be in actual physical  
12 control of any vehicle within this State while:

13 (1) the alcohol concentration in the person's blood or  
14 breath is 0.08 or more based on the definition of blood and  
15 breath units in Section 11-501.2;

16 (2) under the influence of alcohol;

1 (3) under the influence of any intoxicating compound or  
2 combination of intoxicating compounds to a degree that  
3 renders the person incapable of driving safely;

4 (4) under the influence of any other drug or  
5 combination of drugs to a degree that renders the person  
6 incapable of safely driving;

7 (5) under the combined influence of alcohol, other drug  
8 or drugs, or intoxicating compound or compounds to a degree  
9 that renders the person incapable of safely driving; ~~or~~

10 (6) there is any amount of a drug, substance, or  
11 compound in the person's breath, blood, or urine resulting  
12 from the unlawful use or consumption of cannabis listed in  
13 the Cannabis Control Act, a controlled substance listed in  
14 the Illinois Controlled Substances Act, an intoxicating  
15 compound listed in the Use of Intoxicating Compounds Act,  
16 or methamphetamine as listed in the Methamphetamine  
17 Control and Community Protection Act. Subject to all other  
18 requirements and provisions under this Section, this  
19 paragraph (6) does not apply to the lawful consumption of  
20 cannabis by a qualifying patient licensed under the  
21 Compassionate Use of Medical Cannabis Pilot Program Act who  
22 is in possession of a valid registry card issued under that  
23 Act, unless that person is impaired by the use of cannabis;  
24 or -

25 (7) there is more than twice the prescribed amount of  
26 drug, substance, or compound in the person's breath, blood,

1       or urine resulting from the use or consumption of a  
2       controlled substance listed in the Illinois Controlled  
3       Substances Act of the person's prescription for the  
4       controlled substance. This paragraph (7) does not apply to  
5       the lawful consumption of cannabis by a qualifying patient  
6       licensed under the Compassionate Use of Medical Cannabis  
7       Pilot Program Act who is in possession of a valid registry  
8       card under that Act, unless that person is impaired by the  
9       use of cannabis.

10       (b) The fact that any person charged with violating this  
11 Section is or has been legally entitled to use alcohol,  
12 cannabis under the Compassionate Use of Medical Cannabis Pilot  
13 Program Act, other drug or drugs, or intoxicating compound or  
14 compounds, or any combination thereof, shall not constitute a  
15 defense against any charge of violating this Section.

16       (c) Penalties.

17           (1) Except as otherwise provided in this Section, any  
18 person convicted of violating subsection (a) of this  
19 Section is guilty of a Class A misdemeanor.

20           (2) A person who violates subsection (a) or a similar  
21 provision a second time shall be sentenced to a mandatory  
22 minimum term of either 5 days of imprisonment or 240 hours  
23 of community service in addition to any other criminal or  
24 administrative sanction.

25           (3) A person who violates subsection (a) is subject to  
26 6 months of imprisonment, an additional mandatory minimum

1 fine of \$1,000, and 25 days of community service in a  
2 program benefiting children if the person was transporting  
3 a person under the age of 16 at the time of the violation.

4 (4) A person who violates subsection (a) a first time,  
5 if the alcohol concentration in his or her blood, breath,  
6 or urine was 0.16 or more based on the definition of blood,  
7 breath, or urine units in Section 11-501.2, shall be  
8 subject, in addition to any other penalty that may be  
9 imposed, to a mandatory minimum of 100 hours of community  
10 service and a mandatory minimum fine of \$500.

11 (5) A person who violates subsection (a) a second time,  
12 if at the time of the second violation the alcohol  
13 concentration in his or her blood, breath, or urine was  
14 0.16 or more based on the definition of blood, breath, or  
15 urine units in Section 11-501.2, shall be subject, in  
16 addition to any other penalty that may be imposed, to a  
17 mandatory minimum of 2 days of imprisonment and a mandatory  
18 minimum fine of \$1,250.

19 (d) Aggravated driving under the influence of alcohol,  
20 other drug or drugs, or intoxicating compound or compounds, or  
21 any combination thereof.

22 (1) Every person convicted of committing a violation of  
23 this Section shall be guilty of aggravated driving under  
24 the influence of alcohol, other drug or drugs, or  
25 intoxicating compound or compounds, or any combination  
26 thereof if:

1           (A) the person committed a violation of subsection  
2           (a) or a similar provision for the third or subsequent  
3           time;

4           (B) the person committed a violation of subsection  
5           (a) while driving a school bus with one or more  
6           passengers on board;

7           (C) the person in committing a violation of  
8           subsection (a) was involved in a motor vehicle accident  
9           that resulted in great bodily harm or permanent  
10          disability or disfigurement to another, when the  
11          violation was a proximate cause of the injuries;

12          (D) the person committed a violation of subsection  
13          (a) and has been previously convicted of violating  
14          Section 9-3 of the Criminal Code of 1961 or the  
15          Criminal Code of 2012 or a similar provision of a law  
16          of another state relating to reckless homicide in which  
17          the person was determined to have been under the  
18          influence of alcohol, other drug or drugs, or  
19          intoxicating compound or compounds as an element of the  
20          offense or the person has previously been convicted  
21          under subparagraph (C) or subparagraph (F) of this  
22          paragraph (1);

23          (E) the person, in committing a violation of  
24          subsection (a) while driving at any speed in a school  
25          speed zone at a time when a speed limit of 20 miles per  
26          hour was in effect under subsection (a) of Section

1 11-605 of this Code, was involved in a motor vehicle  
2 accident that resulted in bodily harm, other than great  
3 bodily harm or permanent disability or disfigurement,  
4 to another person, when the violation of subsection (a)  
5 was a proximate cause of the bodily harm;

6 (F) the person, in committing a violation of  
7 subsection (a), was involved in a motor vehicle,  
8 snowmobile, all-terrain vehicle, or watercraft  
9 accident that resulted in the death of another person,  
10 when the violation of subsection (a) was a proximate  
11 cause of the death;

12 (G) the person committed a violation of subsection  
13 (a) during a period in which the defendant's driving  
14 privileges are revoked or suspended, where the  
15 revocation or suspension was for a violation of  
16 subsection (a) or a similar provision, Section  
17 11-501.1, paragraph (b) of Section 11-401, or for  
18 reckless homicide as defined in Section 9-3 of the  
19 Criminal Code of 1961 or the Criminal Code of 2012;

20 (H) the person committed the violation while he or  
21 she did not possess a driver's license or permit or a  
22 restricted driving permit or a judicial driving permit  
23 or a monitoring device driving permit;

24 (I) the person committed the violation while he or  
25 she knew or should have known that the vehicle he or  
26 she was driving was not covered by a liability

1 insurance policy;

2 (J) the person in committing a violation of  
3 subsection (a) was involved in a motor vehicle accident  
4 that resulted in bodily harm, but not great bodily  
5 harm, to the child under the age of 16 being  
6 transported by the person, if the violation was the  
7 proximate cause of the injury;

8 (K) the person in committing a second violation of  
9 subsection (a) or a similar provision was transporting  
10 a person under the age of 16; or

11 (L) the person committed a violation of subsection  
12 (a) of this Section while transporting one or more  
13 passengers in a vehicle for-hire.

14 (2) (A) Except as provided otherwise, a person  
15 convicted of aggravated driving under the influence of  
16 alcohol, other drug or drugs, or intoxicating compound or  
17 compounds, or any combination thereof is guilty of a Class  
18 4 felony.

19 (B) A third violation of this Section or a similar  
20 provision is a Class 2 felony. If at the time of the third  
21 violation the alcohol concentration in his or her blood,  
22 breath, or urine was 0.16 or more based on the definition  
23 of blood, breath, or urine units in Section 11-501.2, a  
24 mandatory minimum of 90 days of imprisonment and a  
25 mandatory minimum fine of \$2,500 shall be imposed in  
26 addition to any other criminal or administrative sanction.

1 If at the time of the third violation, the defendant was  
2 transporting a person under the age of 16, a mandatory fine  
3 of \$25,000 and 25 days of community service in a program  
4 benefiting children shall be imposed in addition to any  
5 other criminal or administrative sanction.

6 (C) A fourth violation of this Section or a similar  
7 provision is a Class 2 felony, for which a sentence of  
8 probation or conditional discharge may not be imposed. If  
9 at the time of the violation, the alcohol concentration in  
10 the defendant's blood, breath, or urine was 0.16 or more  
11 based on the definition of blood, breath, or urine units in  
12 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
13 be imposed in addition to any other criminal or  
14 administrative sanction. If at the time of the fourth  
15 violation, the defendant was transporting a person under  
16 the age of 16 a mandatory fine of \$25,000 and 25 days of  
17 community service in a program benefiting children shall be  
18 imposed in addition to any other criminal or administrative  
19 sanction.

20 (D) A fifth violation of this Section or a similar  
21 provision is a Class 1 felony, for which a sentence of  
22 probation or conditional discharge may not be imposed. If  
23 at the time of the violation, the alcohol concentration in  
24 the defendant's blood, breath, or urine was 0.16 or more  
25 based on the definition of blood, breath, or urine units in  
26 Section 11-501.2, a mandatory minimum fine of \$5,000 shall

1 be imposed in addition to any other criminal or  
2 administrative sanction. If at the time of the fifth  
3 violation, the defendant was transporting a person under  
4 the age of 16, a mandatory fine of \$25,000, and 25 days of  
5 community service in a program benefiting children shall be  
6 imposed in addition to any other criminal or administrative  
7 sanction.

8 (E) A sixth or subsequent violation of this Section or  
9 similar provision is a Class X felony. If at the time of  
10 the violation, the alcohol concentration in the  
11 defendant's blood, breath, or urine was 0.16 or more based  
12 on the definition of blood, breath, or urine units in  
13 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
14 be imposed in addition to any other criminal or  
15 administrative sanction. If at the time of the violation,  
16 the defendant was transporting a person under the age of  
17 16, a mandatory fine of \$25,000 and 25 days of community  
18 service in a program benefiting children shall be imposed  
19 in addition to any other criminal or administrative  
20 sanction.

21 (F) For a violation of subparagraph (C) of paragraph  
22 (1) of this subsection (d), the defendant, if sentenced to  
23 a term of imprisonment, shall be sentenced to not less than  
24 one year nor more than 12 years.

25 (G) A violation of subparagraph (F) of paragraph (1) of  
26 this subsection (d) is a Class 2 felony, for which the

1 defendant, unless the court determines that extraordinary  
2 circumstances exist and require probation, shall be  
3 sentenced to: (i) a term of imprisonment of not less than 3  
4 years and not more than 14 years if the violation resulted  
5 in the death of one person; or (ii) a term of imprisonment  
6 of not less than 6 years and not more than 28 years if the  
7 violation resulted in the deaths of 2 or more persons.

8 (H) For a violation of subparagraph (J) of paragraph  
9 (1) of this subsection (d), a mandatory fine of \$2,500, and  
10 25 days of community service in a program benefiting  
11 children shall be imposed in addition to any other criminal  
12 or administrative sanction.

13 (I) A violation of subparagraph (K) of paragraph (1) of  
14 this subsection (d), is a Class 2 felony and a mandatory  
15 fine of \$2,500, and 25 days of community service in a  
16 program benefiting children shall be imposed in addition to  
17 any other criminal or administrative sanction. If the child  
18 being transported suffered bodily harm, but not great  
19 bodily harm, in a motor vehicle accident, and the violation  
20 was the proximate cause of that injury, a mandatory fine of  
21 \$5,000 and 25 days of community service in a program  
22 benefiting children shall be imposed in addition to any  
23 other criminal or administrative sanction.

24 (J) A violation of subparagraph (D) of paragraph (1) of  
25 this subsection (d) is a Class 3 felony, for which a  
26 sentence of probation or conditional discharge may not be

1 imposed.

2 (3) Any person sentenced under this subsection (d) who  
3 receives a term of probation or conditional discharge must  
4 serve a minimum term of either 480 hours of community  
5 service or 10 days of imprisonment as a condition of the  
6 probation or conditional discharge in addition to any other  
7 criminal or administrative sanction.

8 (e) Any reference to a prior violation of subsection (a) or  
9 a similar provision includes any violation of a provision of a  
10 local ordinance or a provision of a law of another state or an  
11 offense committed on a military installation that is similar to  
12 a violation of subsection (a) of this Section.

13 (f) The imposition of a mandatory term of imprisonment or  
14 assignment of community service for a violation of this Section  
15 shall not be suspended or reduced by the court.

16 (g) Any penalty imposed for driving with a license that has  
17 been revoked for a previous violation of subsection (a) of this  
18 Section shall be in addition to the penalty imposed for any  
19 subsequent violation of subsection (a).

20 (h) For any prosecution under this Section, a certified  
21 copy of the driving abstract of the defendant shall be admitted  
22 as proof of any prior conviction.

23 (Source: P.A. 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14;  
24 98-573, eff. 8-27-13; 98-756, eff. 7-16-14.)

25 (625 ILCS 5/11-501.1)

1           Sec. 11-501.1. Suspension of drivers license; statutory  
2 summary alcohol, other drug or drugs, or intoxicating compound  
3 or compounds related suspension or revocation; implied  
4 consent.

5           (a) Any person who drives or is in actual physical control  
6 of a motor vehicle upon the public highways of this State shall  
7 be deemed to have given consent, subject to the provisions of  
8 Section 11-501.2, to a chemical test or tests of blood, breath,  
9 or urine for the purpose of determining the content of alcohol,  
10 other drug or drugs, or intoxicating compound or compounds or  
11 any combination thereof in the person's blood if arrested, as  
12 evidenced by the issuance of a Uniform Traffic Ticket, for any  
13 offense as defined in Section 11-501 or a similar provision of  
14 a local ordinance, or if arrested for violating Section 11-401.  
15 If a law enforcement officer has probable cause to believe the  
16 person was under the influence of alcohol, other drug or drugs,  
17 intoxicating compound or compounds, or any combination  
18 thereof, the law enforcement officer shall request a chemical  
19 test or tests which shall be administered at the direction of  
20 the arresting officer. The law enforcement agency employing the  
21 officer shall designate which of the aforesaid tests shall be  
22 administered. A urine test may be administered even after a  
23 blood or breath test or both has been administered. For  
24 purposes of this Section, an Illinois law enforcement officer  
25 of this State who is investigating the person for any offense  
26 defined in Section 11-501 may travel into an adjoining state,

1 where the person has been transported for medical care, to  
2 complete an investigation and to request that the person submit  
3 to the test or tests set forth in this Section. The  
4 requirements of this Section that the person be arrested are  
5 inapplicable, but the officer shall issue the person a Uniform  
6 Traffic Ticket for an offense as defined in Section 11-501 or a  
7 similar provision of a local ordinance prior to requesting that  
8 the person submit to the test or tests. The issuance of the  
9 Uniform Traffic Ticket shall not constitute an arrest, but  
10 shall be for the purpose of notifying the person that he or she  
11 is subject to the provisions of this Section and of the  
12 officer's belief of the existence of probable cause to arrest.  
13 Upon returning to this State, the officer shall file the  
14 Uniform Traffic Ticket with the Circuit Clerk of the county  
15 where the offense was committed, and shall seek the issuance of  
16 an arrest warrant or a summons for the person.

17 (a-5) (Blank).

18 (b) Any person who is dead, unconscious, or who is  
19 otherwise in a condition rendering the person incapable of  
20 refusal, shall be deemed not to have withdrawn the consent  
21 provided by paragraph (a) of this Section and the test or tests  
22 may be administered, subject to the provisions of Section  
23 11-501.2.

24 (c) A person requested to submit to a test as provided  
25 above shall be warned by the law enforcement officer requesting  
26 the test that a refusal to submit to the test will result in

1 the statutory summary suspension of the person's privilege to  
2 operate a motor vehicle, as provided in Section 6-208.1 of this  
3 Code, and will also result in the disqualification of the  
4 person's privilege to operate a commercial motor vehicle, as  
5 provided in Section 6-514 of this Code, if the person is a CDL  
6 holder. The person shall also be warned that a refusal to  
7 submit to the test, when the person was involved in a motor  
8 vehicle accident that caused personal injury or death to  
9 another, will result in the statutory summary revocation of the  
10 person's privilege to operate a motor vehicle, as provided in  
11 Section 6-208.1, and will also result in the disqualification  
12 of the person's privilege to operate a commercial motor  
13 vehicle, as provided in Section 6-514 of this Code, if the  
14 person is a CDL holder. The person shall also be warned by the  
15 law enforcement officer that if the person submits to the test  
16 or tests provided in paragraph (a) of this Section and the  
17 alcohol concentration in the person's blood or breath is 0.08  
18 or greater, or more than twice the prescribed amount of a  
19 prescription for a controlled substance under paragraph (7) of  
20 subsection (a) of Section 11-501 of this Code is detected in  
21 the person's blood or urine, or any amount of a drug,  
22 substance, or compound resulting from the unlawful use or  
23 consumption of cannabis as covered by the Cannabis Control Act,  
24 a controlled substance listed in the Illinois Controlled  
25 Substances Act, an intoxicating compound listed in the Use of  
26 Intoxicating Compounds Act, or methamphetamine as listed in the

1 Methamphetamine Control and Community Protection Act is  
2 detected in the person's blood or urine, a statutory summary  
3 suspension of the person's privilege to operate a motor  
4 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this  
5 Code, and a disqualification of the person's privilege to  
6 operate a commercial motor vehicle, as provided in Section  
7 6-514 of this Code, if the person is a CDL holder, will be  
8 imposed.

9 A person who is under the age of 21 at the time the person  
10 is requested to submit to a test as provided above shall, in  
11 addition to the warnings provided for in this Section, be  
12 further warned by the law enforcement officer requesting the  
13 test that if the person submits to the test or tests provided  
14 in paragraph (a) of this Section and the alcohol concentration  
15 in the person's blood or breath is greater than 0.00 and less  
16 than 0.08, a suspension of the person's privilege to operate a  
17 motor vehicle, as provided under Sections 6-208.2 and 11-501.8  
18 of this Code, will be imposed. The results of this test shall  
19 be admissible in a civil or criminal action or proceeding  
20 arising from an arrest for an offense as defined in Section  
21 11-501 of this Code or a similar provision of a local ordinance  
22 or pursuant to Section 11-501.4 in prosecutions for reckless  
23 homicide brought under the Criminal Code of 1961 or the  
24 Criminal Code of 2012. These test results, however, shall be  
25 admissible only in actions or proceedings directly related to  
26 the incident upon which the test request was made.

1 A person requested to submit to a test shall also  
2 acknowledge, in writing, receipt of the warning required under  
3 this Section. If the person refuses to acknowledge receipt of  
4 the warning, the law enforcement officer shall make a written  
5 notation on the warning that the person refused to sign the  
6 warning. A person's refusal to sign the warning shall not be  
7 evidence that the person was not read the warning.

8 (d) If the person refuses testing or submits to a test that  
9 discloses an alcohol concentration of 0.08 or more, or more  
10 than twice the prescribed amount of a prescription for a  
11 controlled substance under paragraph (7) of subsection (a) of  
12 Section 11-501 of this Code, or any amount of a drug,  
13 substance, or intoxicating compound in the person's breath,  
14 blood, or urine resulting from the unlawful use or consumption  
15 of cannabis listed in the Cannabis Control Act, a controlled  
16 substance listed in the Illinois Controlled Substances Act, an  
17 intoxicating compound listed in the Use of Intoxicating  
18 Compounds Act, or methamphetamine as listed in the  
19 Methamphetamine Control and Community Protection Act, the law  
20 enforcement officer shall immediately submit a sworn report to  
21 the circuit court of venue and the Secretary of State,  
22 certifying that the test or tests was or were requested under  
23 paragraph (a) and the person refused to submit to a test, or  
24 tests, or submitted to testing that disclosed an alcohol, drug,  
25 substance, or compound concentration at or greater than the  
26 amount in this subsection (d) of 0.08 or more.

1           (e) Upon receipt of the sworn report of a law enforcement  
2 officer submitted under paragraph (d), the Secretary of State  
3 shall enter the statutory summary suspension or revocation and  
4 disqualification for the periods specified in Sections 6-208.1  
5 and 6-514, respectively, and effective as provided in paragraph  
6 (g).

7           If the person is a first offender as defined in Section  
8 11-500 of this Code, and is not convicted of a violation of  
9 Section 11-501 of this Code or a similar provision of a local  
10 ordinance, then reports received by the Secretary of State  
11 under this Section shall, except during the actual time the  
12 Statutory Summary Suspension is in effect, be privileged  
13 information and for use only by the courts, police officers,  
14 prosecuting authorities or the Secretary of State, unless the  
15 person is a CDL holder, is operating a commercial motor vehicle  
16 or vehicle required to be placarded for hazardous materials, in  
17 which case the suspension shall not be privileged. Reports  
18 received by the Secretary of State under this Section shall  
19 also be made available to the parent or guardian of a person  
20 under the age of 18 years that holds an instruction permit or a  
21 graduated driver's license, regardless of whether the  
22 statutory summary suspension is in effect. A statutory summary  
23 revocation shall not be privileged information.

24           (f) The law enforcement officer submitting the sworn report  
25 under paragraph (d) shall serve immediate notice of the  
26 statutory summary suspension or revocation on the person and

1 the suspension or revocation and disqualification shall be  
2 effective as provided in paragraph (g).

3 (1) In cases where the blood alcohol concentration of  
4 0.08 or greater, or more than twice the prescribed amount  
5 of a prescription for a controlled substance under  
6 paragraph (7) of subsection (a) of Section 11-501 of this  
7 Code, or any amount of a drug, substance, or compound  
8 resulting from the unlawful use or consumption of cannabis  
9 as covered by the Cannabis Control Act, a controlled  
10 substance listed in the Illinois Controlled Substances  
11 Act, an intoxicating compound listed in the Use of  
12 Intoxicating Compounds Act, or methamphetamine as listed  
13 in the Methamphetamine Control and Community Protection  
14 Act is established by a subsequent analysis of blood or  
15 urine collected at the time of arrest, the arresting  
16 officer or arresting agency shall give notice as provided  
17 in this Section or by deposit in the United States mail of  
18 the notice in an envelope with postage prepaid and  
19 addressed to the person at his address as shown on the  
20 Uniform Traffic Ticket and the statutory summary  
21 suspension and disqualification shall begin as provided in  
22 paragraph (g). The officer shall confiscate any Illinois  
23 driver's license or permit on the person at the time of  
24 arrest. If the person has a valid driver's license or  
25 permit, the officer shall issue the person a receipt, in a  
26 form prescribed by the Secretary of State, that will allow

1           that person to drive during the periods provided for in  
2           paragraph (g). The officer shall immediately forward the  
3           driver's license or permit to the circuit court of venue  
4           along with the sworn report provided for in paragraph (d).

5           (2) (Blank).

6           (g) The statutory summary suspension or revocation and  
7           disqualification referred to in this Section shall take effect  
8           on the 46th day following the date the notice of the statutory  
9           summary suspension or revocation was given to the person.

10          (h) The following procedure shall apply whenever a person  
11          is arrested for any offense as defined in Section 11-501 or a  
12          similar provision of a local ordinance:

13          Upon receipt of the sworn report from the law enforcement  
14          officer, the Secretary of State shall confirm the statutory  
15          summary suspension or revocation by mailing a notice of the  
16          effective date of the suspension or revocation to the person  
17          and the court of venue. The Secretary of State shall also mail  
18          notice of the effective date of the disqualification to the  
19          person. However, should the sworn report be defective by not  
20          containing sufficient information or be completed in error, the  
21          confirmation of the statutory summary suspension or revocation  
22          shall not be mailed to the person or entered to the record;  
23          instead, the sworn report shall be forwarded to the court of  
24          venue with a copy returned to the issuing agency identifying  
25          any defect.

26          (i) As used in this Section, "personal injury" includes any

1 Type A injury as indicated on the traffic accident report  
2 completed by a law enforcement officer that requires immediate  
3 professional attention in either a doctor's office or a medical  
4 facility. A Type A injury includes severely bleeding wounds,  
5 distorted extremities, and injuries that require the injured  
6 party to be carried from the scene.

7 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15;  
8 99-467, eff. 1-1-16.)

9 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

10 Sec. 11-501.6. Driver involvement in personal injury or  
11 fatal motor vehicle accident; chemical test.

12 (a) Any person who drives or is in actual control of a  
13 motor vehicle upon the public highways of this State and who  
14 has been involved in a personal injury or fatal motor vehicle  
15 accident, shall be deemed to have given consent to a breath  
16 test using a portable device as approved by the Department of  
17 State Police or to a chemical test or tests of blood, breath,  
18 or urine for the purpose of determining the content of alcohol,  
19 other drug or drugs, or intoxicating compound or compounds of  
20 such person's blood if arrested as evidenced by the issuance of  
21 a Uniform Traffic Ticket for any violation of the Illinois  
22 Vehicle Code or a similar provision of a local ordinance, with  
23 the exception of equipment violations contained in Chapter 12  
24 of this Code, or similar provisions of local ordinances. The  
25 test or tests shall be administered at the direction of the

1 arresting officer. The law enforcement agency employing the  
2 officer shall designate which of the aforesaid tests shall be  
3 administered. A urine test may be administered even after a  
4 blood or breath test or both has been administered. Compliance  
5 with this Section does not relieve such person from the  
6 requirements of Section 11-501.1 of this Code.

7 (b) Any person who is dead, unconscious or who is otherwise  
8 in a condition rendering such person incapable of refusal shall  
9 be deemed not to have withdrawn the consent provided by  
10 subsection (a) of this Section. In addition, if a driver of a  
11 vehicle is receiving medical treatment as a result of a motor  
12 vehicle accident, any physician licensed to practice medicine,  
13 licensed physician assistant, licensed advanced practice  
14 nurse, registered nurse or a phlebotomist acting under the  
15 direction of a licensed physician shall withdraw blood for  
16 testing purposes to ascertain the presence of alcohol, other  
17 drug or drugs, or intoxicating compound or compounds, upon the  
18 specific request of a law enforcement officer. However, no such  
19 testing shall be performed until, in the opinion of the medical  
20 personnel on scene, the withdrawal can be made without  
21 interfering with or endangering the well-being of the patient.

22 (c) A person requested to submit to a test as provided  
23 above shall be warned by the law enforcement officer requesting  
24 the test that a refusal to submit to the test, or submission to  
25 the test resulting in an alcohol concentration of 0.08 or more,  
26 or more than twice the prescribed amount of a prescription for

1 a controlled substance under paragraph (7) of subsection (a) of  
2 Section 11-501 of this Code as detected in the person's blood  
3 or urine, or any amount of a drug, substance, or intoxicating  
4 compound resulting from the unlawful use or consumption of  
5 cannabis, as covered by the Cannabis Control Act, a controlled  
6 substance listed in the Illinois Controlled Substances Act, an  
7 intoxicating compound listed in the Use of Intoxicating  
8 Compounds Act, or methamphetamine as listed in the  
9 Methamphetamine Control and Community Protection Act as  
10 detected in such person's blood or urine, may result in the  
11 suspension of such person's privilege to operate a motor  
12 vehicle and may result in the disqualification of the person's  
13 privilege to operate a commercial motor vehicle, as provided in  
14 Section 6-514 of this Code, if the person is a CDL holder. The  
15 length of the suspension shall be the same as outlined in  
16 Section 6-208.1 of this Code regarding statutory summary  
17 suspensions.

18 A person requested to submit to a test shall also  
19 acknowledge, in writing, receipt of the warning required under  
20 this Section. If the person refuses to acknowledge receipt of  
21 the warning, the law enforcement officer shall make a written  
22 notation on the warning that the person refused to sign the  
23 warning. A person's refusal to sign the warning shall not be  
24 evidence that the person was not read the warning.

25 (d) If the person refuses testing or submits to a test  
26 which discloses an alcohol concentration of 0.08 or more, or

1 more than twice the prescribed amount of a prescription for a  
2 controlled substance under paragraph (7) of subsection (a) of  
3 Section 11-501 of this Code, or any amount of a drug,  
4 substance, or intoxicating compound in such person's blood or  
5 urine resulting from the unlawful use or consumption of  
6 cannabis listed in the Cannabis Control Act, a controlled  
7 substance listed in the Illinois Controlled Substances Act, an  
8 intoxicating compound listed in the Use of Intoxicating  
9 Compounds Act, or methamphetamine as listed in the  
10 Methamphetamine Control and Community Protection Act, the law  
11 enforcement officer shall immediately submit a sworn report to  
12 the Secretary of State on a form prescribed by the Secretary,  
13 certifying that the test or tests were requested pursuant to  
14 subsection (a) and the person refused to submit to a test or  
15 tests or submitted to testing which disclosed an alcohol  
16 concentration of 0.08 or more, or any amount of a drug,  
17 substance, or intoxicating compound in such person's blood or  
18 urine, resulting from the unlawful use or consumption of  
19 cannabis listed in the Cannabis Control Act, a controlled  
20 substance listed in the Illinois Controlled Substances Act, an  
21 intoxicating compound listed in the Use of Intoxicating  
22 Compounds Act, or methamphetamine as listed in the  
23 Methamphetamine Control and Community Protection Act.

24       Upon receipt of the sworn report of a law enforcement  
25 officer, the Secretary shall enter the suspension and  
26 disqualification to the individual's driving record and the

1 suspension and disqualification shall be effective on the 46th  
2 day following the date notice of the suspension was given to  
3 the person.

4 The law enforcement officer submitting the sworn report  
5 shall serve immediate notice of this suspension on the person  
6 and such suspension and disqualification shall be effective on  
7 the 46th day following the date notice was given.

8 In cases where the blood alcohol concentration of 0.08 or  
9 more, or any amount of a drug, substance, or intoxicating  
10 compound resulting from the unlawful use or consumption of  
11 cannabis as listed in the Cannabis Control Act, a controlled  
12 substance listed in the Illinois Controlled Substances Act, an  
13 intoxicating compound listed in the Use of Intoxicating  
14 Compounds Act, or methamphetamine as listed in the  
15 Methamphetamine Control and Community Protection Act, is  
16 established by a subsequent analysis of blood or urine  
17 collected at the time of arrest, the arresting officer shall  
18 give notice as provided in this Section or by deposit in the  
19 United States mail of such notice in an envelope with postage  
20 prepaid and addressed to such person at his address as shown on  
21 the Uniform Traffic Ticket and the suspension and  
22 disqualification shall be effective on the 46th day following  
23 the date notice was given.

24 Upon receipt of the sworn report of a law enforcement  
25 officer, the Secretary shall also give notice of the suspension  
26 and disqualification to the driver by mailing a notice of the

1 effective date of the suspension and disqualification to the  
2 individual. However, should the sworn report be defective by  
3 not containing sufficient information or be completed in error,  
4 the notice of the suspension and disqualification shall not be  
5 mailed to the person or entered to the driving record, but  
6 rather the sworn report shall be returned to the issuing law  
7 enforcement agency.

8 (e) A driver may contest this suspension of his or her  
9 driving privileges and disqualification of his or her CDL  
10 privileges by requesting an administrative hearing with the  
11 Secretary in accordance with Section 2-118 of this Code. At the  
12 conclusion of a hearing held under Section 2-118 of this Code,  
13 the Secretary may rescind, continue, or modify the orders of  
14 suspension and disqualification. If the Secretary does not  
15 rescind the orders of suspension and disqualification, a  
16 restricted driving permit may be granted by the Secretary upon  
17 application being made and good cause shown. A restricted  
18 driving permit may be granted to relieve undue hardship to  
19 allow driving for employment, educational, and medical  
20 purposes as outlined in Section 6-206 of this Code. The  
21 provisions of Section 6-206 of this Code shall apply. In  
22 accordance with 49 C.F.R. 384, the Secretary of State may not  
23 issue a restricted driving permit for the operation of a  
24 commercial motor vehicle to a person holding a CDL whose  
25 driving privileges have been suspended, revoked, cancelled, or  
26 disqualified.

1 (f) (Blank).

2 (g) For the purposes of this Section, a personal injury  
3 shall include any type A injury as indicated on the traffic  
4 accident report completed by a law enforcement officer that  
5 requires immediate professional attention in either a doctor's  
6 office or a medical facility. A type A injury shall include  
7 severely bleeding wounds, distorted extremities, and injuries  
8 that require the injured party to be carried from the scene.

9 (Source: P.A. 99-467, eff. 1-1-16.)".